

David A. Mazie, Esq. (ID#: 017941986)  
MAZIE SLATER KATZ & FREEMAN, LLC  
103 Eisenhower Parkway  
Roseland, New Jersey 07068  
(973) 228-9898  
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CARL KONZMAN and ROYA  
KONZMAN, as Guardians ad Litem  
for N.K., a minor, and ROYA  
KONZMAN, individually,

Plaintiffs,

v.

WAWA, INC.,

Defendant.

CIVIL ACTION NO.:3:18-CV-08903-PGS-TJB

**AMENDED COMPLAINT  
AND JURY DEMAND**

Plaintiffs, Carl Konzman and Roya Konzman, as Guardians ad Litem for N.K., a minor, and Roya Konzman, individually by way of complaint against Wawa, Inc. allege and say:

**JURISDICTION**

This action is brought pursuant to 28 U.S.C. §1332(a)(1) because the matter in controversy exceeds \$150,000.00, exclusive of interest and costs, and is between citizens of different states. Plaintiffs Carl Konzman, Roya Konzman and N.K. are all citizens of Virginia. Defendant, Wawa, Inc. maintains its corporate headquarters and principal place of business in Wawa, Pennsylvania. Accordingly, there is complete diversity of citizenship between all plaintiffs and the defendant.

**FIRST COUNT**

1. Wawa, Inc. (“Wawa”) is in the business of operating a chain of convenience stores, including a convenience store located in Neptune, New Jersey. Wawa sells various foods and beverage items, including coffee and tea.

2. On April 25, 2018, N.K. and Roya Konzman were at the Wawa location in Neptune, New Jersey. Roya Konzman selected a number of food and beverage items for purchase, including two cups of hot water for tea which she dispensed from a Cecilware hot water dispensing machine. After gathering all of the food and beverage items, Ms. Konzman brought them to the checkout clerk who proceeded to ring the items up and bag them. As the Wawa store clerk was bagging some of the items, he knocked over a water bottle, which in turn knocked over one of the cups of hot water. The cup immediately burst, causing its top to come off and hot water to splash all over N.K.’s upper body, arms and torso. As a result, N.K. incurred second and third degree burns in those areas, as well as pain, suffering, scarring, loss of enjoyment of life, and other damages.

3. The store clerk was negligent in knocking over the cup of hot water, and Wawa is liable for the negligence of its store clerk under the theories of respondeat superior and agency.

WHEREFORE, plaintiff N.K., by and through her Guardians ad Litem, Carl Konzman and Roya Konzman, demands judgment against defendant, Wawa, Inc. for:

- (a) Compensatory damages;
- (b) Interest;
- (c) Attorneys’ fees and costs; and
- (d) Such other and further relief as is just and equitable.

## **SECOND COUNT**

1. Plaintiff, N.K., by and through her Guardians ad Litem, Carl Konzman and Roya Konzman, repeats and restates the allegations heretofore pled as if set forth more fully herein at length.

2. At all times relevant herein, defendant, Wawa was aware of the fact that the hot water machine dispensed water at a highly dangerous temperature, and that the water would cause severe burns if spilled on flesh. Despite being aware of this serious danger, Wawa kept the water at such a dangerously high temperature and acted recklessly and with wanton and disregard for the safety of its patrons, including N.K..

3. As a direct and proximate result of Wawa's recklessness and/or negligence in keeping its hot water at a dangerously high temperature, N.K. was seriously burned and suffered pain, suffering, scarring, loss of enjoyment of life, and other damages.

WHEREFORE, plaintiff N.K., by and through her Guardians ad Litem, Carl Konzman and Roya Konzman, demands judgment against defendant, Wawa, Inc. for:

- (a) Compensatory damages;
- (b) Punitive damages;
- (c) Interest;
- (d) Attorneys' fees and costs; and
- (e) Such other and further relief as is just and equitable.

## **THIRD COUNT**

1. Plaintiff, Roya Konzman, repeats and restates the allegations heretofore pled as if set forth more fully herein at length.

2. Plaintiff, Roya Konzman witnessed the negligence and/or recklessness of Wawa and its store clerk, as well as the pain, suffering and injuries to her daughter N.K., and immediately knew that the injuries were the direct result of the negligence and recklessness of Wawa and its store clerk. As a direct and proximate result of witnessing these events, Roya Konzman has suffered severe and permanent emotional distress.

WHEREFORE, plaintiff Roya Konzman, demands judgment against defendant, Wawa, Inc. for:

- (a) Compensatory damages;
- (b) Punitive damages;
- (b) Interest;
- (c) Attorneys' fees and costs; and
- (d) Such other and further relief as is just and equitable.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

MAZIE SLATER KATZ & FREEMAN, LLC  
Attorneys for Plaintiffs

BY: /s/David A. Mazie  
DAVID A. MAZIE

Dated: May 7, 2018